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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,936

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SUN, SCOTT C

ART UNIT

PAPER NUMBER

2182

MAIL DATE

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07/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,936	<b>Applicant(s)</b> LEIBBRANDT, GODERT WILLEM RENSWOUD	
	<b>Examiner</b> SCOTT SUN	<b>Art Unit</b> 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 6-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendments to the claims filed 12/19/2007 has been noted and entered. The replacement drawing for figure 1 is accepted. Previous objections to the drawings are withdrawn.

### ***Response to Arguments***

2. Applicant's arguments filed 12/19/2007 have been fully considered but they are not persuasive. Applicant's arguments are summarized as:

a. Prior art of record does not disclose the amended claim limitation, specifically, of using "a maximum read-out data rate supported by said data readout device" as a criteria for selecting a compression formats.

3. In response to argument 'a', examiner notes that applicant points out in prior art Zhang that the maximum read-out data rate in the prior art is the bandwidth of the transmission channel. In contract, applicant argues, the maximum read-out rate in the claims is the maximum bandwidth of the optical disc reader. However, such difference is not present in the claims. Therefore, examiner reminds applicant that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Even if assuming that the claims explicitly state that the readout device is an optical disc reader, examiner notes that applying Zhang's teachings would have been

obvious as the data rate adjustments performed in Zhang are in front of the readout device, effectively matching the rate to that of the bandwidth of the device. In other words, the type of readout device would not have made a difference, as long as the data is video data for which rate can be adjusted according to Zhang (for example, MPEG data).

4. Having responded to each of applicant's arguments, examiner notes that prior art of record still provide a valid ground of rejection, as attached below.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al (US Patent 6,893,854) in view of applicant's admitted prior art (APA).

7. Regarding claim 6, Zhang discloses selecting a compression format (bit rate conversion for each stream, column 13, lines 65 – column 14, lines 1-3) for each data stream on the basis of said received commands, and said retrieved coding format information, so that a collective data rate of the sum of data streams does not exceed said maximum read-out data rate supported by said data readout device (total bandwidth of transmission channel), sending streaming requests corresponding to said

selected compression formats to said data readout device (multiplexing the new bit rates over the channel, column 14, lines 1-24).

Zhang does not disclose explicitly using the method in the environment as claimed. However, APA discloses a method (performed by system in figure 1) for streaming real time data (video-on-demand data streams) from a storage medium (storage 110) containing layered coding formats (page 1, lines 13-22), the method comprising the steps:

Receiving at a data read-out device commands from one or more applications (Picture in picture, Split screen, Overlay) initiating at least two data streams and indicating a demanded resolution (page 3, lines 3-17);

Retrieving information regarding coding formats from said storage medium (base layer coding, one or more enhancement layer coding, page 3, lines 1-8) and a maximum read-out data rate supported by said data readout device (BD-ROM readout, page 3, lines 24-26). Teachings of APA and Zhang are from the same field of video processing, and specifically of multiple streams.

Therefore, it would have been obvious at the time of invention for a person of ordinary skill in the art to combine teachings of Zhang and APA by using a new compression rate for each stream in the system of APA for the benefit of not exceed the total bandwidth (Zhang, column 14, lines 2-3).

8. Regarding claim 7, APA and Zhang combined disclose claim 6, and Zhang further discloses the method characterized in that said selection is executed according to a predetermined priority of said application (column 14, lines 24-27).

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9. Regarding claim 8, APA and Zhang combined disclose claim 6, and Zhang further discloses the method characterized in that each of said initiating commands carries a tag indicating a level of priority and said selection is executed according to said level of priority indicated by said tag (column 14, lines 24-27). Examiner notes that Zhang teaches using a priority scheme to process the two streams differently, allowing more critical streams more bandwidth. Using a tag to identify the level of priority would have been an obvious implementation given Zhang's teachings.

10. Regarding claim 9, APA and Zhang combined disclose claim 6, and Zhang further discloses the method characterized in that it comprises the step checking available system resources and said selection further takes into account of said system resources (remaining channel capacity, column 14, lines 32-37).

11. Regarding claim 10, APA and Zhang combined disclose claim 6, and Zhang further discloses the method characterized in that it comprises the steps reducing said maximum read out data rate by a value taking into account a processing time said data readout device requires for switching between the accesses to said at least two data streams, and providing the result for said selection (column 14, lines 1-13). Zhang teaches that the streams are processed by the bit-rate converters and multiplexers. It would have been obvious to consider that the extra processing takes additional time, and would contribute as overhead to the overall rate.

12. Regarding claims 11-15, 17-19, examiner notes that these claims are substantially similar to claims 6-10 above. The same grounds of rejection are applied.

Specifically regarding claim 6, APA also discloses that the storage medium is an optical disc (DVD).

***Allowable Subject Matter***

13. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter.

Claim 20 recites, inter alia, an apparatus as in claim 11 and also “wherein said selection means for selecting compression formats for at least two data streams adjusts the data rates of the at least two data streams dynamically dependent upon the instantaneous use of disc resources by said one or more applications”. Prior art of record do not teach or suggest, either alone or in combination, the aforementioned limitation, nor would it be obvious to modify those references to include such limitation. Examiner notes that applicant’s arguments that prior art teachings would not be compatible with optical discs is applicable to the above limitation, in which disc resources are taken into account for data rate adjustments.

***Conclusion***

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT SUN whose telephone number is (571)272-2675. The examiner can normally be reached on Mon-Thu, 10:00am-8pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SS

/Tariq Hafiz/  
Supervisory Patent Examiner, Art Unit 2182

<b>Application Number</b> 	<b>Application/Control No.</b> 10/528,936	<b>Applicant(s)/Patent under Reexamination</b> LEIBBRANDT, GODERT WILLEM RENSWOUD	
	<b>Examiner</b> SCOTT SUN	<b>Art Unit</b> 2182	